

COUNTY OF SUFFOLK



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Natalie Wright
Commissioner

Division of Planning
and Environment

STAFF REPORT SECTIONS A14-14 THRU A14-25 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Equestrian Estates of Melville
Municipality: Huntington
Location: e/s Round Swamp Road, s/o Northern State Pkwy, Melville

Received: 9/16/21
File Number: HU-21-05
T.P.I.N.: 0400 22800 0200 02000, 0400 22800 0200 003000, 0400 2280 0200 015001
Jurisdiction: within 500' of State Road (Northern State Parkway)

ZONING DATA

- Zoning Classification: R-80 Residence
- Minimum Lot Area: 80,000 SF
- Section 278: N/A
- Obtained Variance: Needed for minimum lot size reduction

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: Yes
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: Yes, EAF
- SEQRA Type: Type I
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: Agriculture and commercial as a horse farm
- Existing Structures: Indoor Riding Arena/ Barn, homes
- General Character of Site: Generally level, sloping to the west, with a hill at the

- Range of Elevation within Site: rear center of the property
230-300 feet above msl
- Cover: Grass paddock area to accommodate horses,
gravel, asphalt & structures
- Soil Types: RhB (Riverhead And Haven Soils,
Graded) RdB (Riverhead Sandy Loam) MkC
(Montauk Silt Loam)
- Range of Slopes (Soils Map): 8-15% Slope
- Waterbodies or Wetlands: None

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: COZ
- Layout: Cluster Subdivision
- Area of Tract: 21.54 acres
- Yield Map: No
 - No. of Lots: 24 (including 23 residential and 1 horse farm property)
 - Lot Area Range: 24,004 sq.ft. (residential) to
217,988 sq.ft. (equestrian center)
- Open Space: 5 acre "Equestrian Center"

ACCESS

- Roads: Public- Round Swamp Road and proposed private loop road
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: CB - LP
 - Recharge Basins: None Shown
- Groundwater Management Zone: Zone I: West Hills-Melville Special Groundwater
Protection Area (SGPA).
- Water Supply: Public
- Sanitary Sewers: Proposed Alternative Onsite Wastewater
Treatment Systems.

PROPOSAL DETAILS

OVERVIEW – Petitioner seeks change of zone approval from the Huntington Town Board from Residence R-80 District to the Special Equestrian Center Overlay District in order to maintain a portion of the existing horse farm and subdivide and redevelop the remainder of the parcel with single-family homes. The proposal includes a layout of twenty-three (23) single family homes clustered around a loop road, and a 5-acre parcel to remain as part of the horse farm. Three (3) units would be set aside as affordable workforce units.

The property comprises three tax map lots having a total area of 21.54 acres that are currently zoned Residence R-80 district. The property consists of the Thomas School of Horsemanship Summer Day Camp & Riding School, and associated buildings. The applicant requests a change of zone to the newly adopted Special Equestrian Center Overlay District to allow for the property to be subdivided for residential homes and a smaller horse farm at a greater residential yield than would be otherwise permitted in the underlying zoning. The application sets aside 5 acres to maintain a portion of the existing horse farm on one lot on Round Swamp Road. Revised plans provided by the Town of Huntington show a parking area on the southwest corner of the new lot,

with an 110' 150' indoor paddock building, a 30' x 30' office, a 20' x 40' pool, and several outdoor paddocks of various sizes.

The site is located on the southeast corner of Round Swamp Road the Northern State Parkway in the hamlet of Melville, across the street from Hill and Tree Court. The property adjoins a large property to the east operated as Driftwood Day Camp, which fronts on Mount Misery Road. The Thomas School of Horsemanship previously extended from Round Swamp Road to Mount Misery Road. However, a large portion of the horse farm consisting of approximately 10.66 acres fronting Mount Misery appears to have been previously transferred to the Driftwood Day Camp in 2016 and is no longer part of the subject site. As a result, the subject site is no longer accessible from Mount Misery Road.

One point of access to the subject property is shown in the vicinity of the exiting driveway from Round Swamp Road that serves the current horse farm operation. A proposed loop road is shown that would serve as the sole access to all of the 23 proposed residential homes. The application materials indicate this will be a private road that will not be dedicated to the Town. No homes will have access to, or frontage on, Round Swamp Road. Although the proposed horse farm would have frontage on this road, it would be accessed solely from Round Swamp Road. The subdivision plan submitted with this referral shows a 14.1-foot wide strip labeled as "easement," surrounding the new homes, ostensibly to serve as a buffer between the parkway, day camp, and existing single-family homes. It is noted that this buffer does not appear on revised conceptual plans sent to the Town. On revised plans provided by the Town of Huntington, vehicular access to the remaining horse farm property is shown with a new access loop with two driveways off of Round Swamp Road towards the south corner of the property.

The subject property is generally level and sloping down towards Round Swamp Road, with the exception of a wooded hill at the rear of the property sloping west from 260 to 290 feet above sea level which would require grading to remove up to 20 feet of elevation, and the use of a retaining wall. The Town of Huntington has confirmed that the slope on this property does not impact the yield of this application.

Storm water discharge from the proposed action will occur, but the application states the discharge will not flow to adjacent properties, nor will it be directed to established conveyance systems. The preliminary subdivision shows drywells for the homes and storm water infrastructure in the proposed road, and the application indicates that catch-basis and drywells will be utilized for direct recharge on-site.

The application indicates that the existing horse farm generates low levels of traffic at most times, with the exception of summer camps, when vehicles stack in the shoulder along Round Swamp Road to access the site. It is anticipated that the continuation of the horse farm on a significantly smaller property would reduce the scale of camp operations on the site. Although the 23 new homes would generate new trips, it is expected that residential traffic would be spread out during the day. A traffic study subsequently provided by the Town of Huntington found the subdivision would be expected to generate an additional 17 to 22 trips per hour during the weekday AM and weekday PM peak periods, and traffic flow from a reduced equestrian center would be improved. The study concluded that the intersection would not be adversely affected, and no mitigation would be needed.

Potable water is to be supplied to the proposed development by Suffolk County Water Authority.

The site is situated over Hydro-geologic Management Zone, and the property is located in the West Hills-Melville Special Groundwater Protection Area (SGPA), which seeks to maximize the

recharge of clean water into the underground aquifers that are used for drinking water. The application notes that nitrogen contributions from horse manure would be a concern. The new homes will rely on individual sanitary systems for wastewater, and the application notes that Innovative and Alternative Wastewater Treatment systems (I/A OWTS) will be utilized.

The subject development site is adjacent to low-density residential uses on the east, and south sides of the property, as well as the commercial day-camp use to the east which is zoned for residential use. Directly north of the property is the NYS Northern State Parkway, and low-density residential uses.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject property is not in a State designated Critical Environmental Area. No local or State designated wetland exists on the subject site.

STAFF ANALYSIS

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-l provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

The subject area is a mix of primarily low-density residential uses, with few large commercial uses including the exiting horse farm and day camp. The proposed 23-lot subdivision and scaled-down horse farm would be largely consistent with the overall community character.

It is the belief of the staff that the proposed action does not contradict the intent of the State law and would be compatible with adjacent land uses. It is the belief of the staff that the proposed project can be designed to be in harmony with the existing character of the area.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Huntington Comprehensive Plan seeks to maintain low density in this area and require open space preservation in new developments. Although the density on this property would be increased by this application, the 1 dwelling unit per acre yield is relatively low, and consistent with the area directly across Round Swamp Road. With the proposed 3 units being affordable workforce housing, this development appears to be in compliance with the Town of Huntington Affordable Housing Code, as well as with the Long Island Workforce Housing Act.

The Town of Huntington recently passed the Special Equestrian Center Overlay District with the stated intent of supporting Equestrian Centers within the Town. The legislative intent states that "The Town Board is committed to the establishment and maintenance of Equestrian Centers, which provide valuable recreational and therapeutic riding experiences to residents." The code further states that "It is the view of the Town Board that, by enhancing property owners' ability to maintain and preserve Equestrian Centers, the educational, cultural, economic, social and general welfare of the public will be advanced."

In order to achieve these goals, the code permits properties greater than 20 acres within the R-40 and R-80 zoning districts to be developed as cluster subdivisions with a yield of 40,000 sq. ft. per lot, *including* yield from an equestrian center of at least 5 acres. Clustered single-family lots are permitted to be as small as 26,000 sq. ft. to allow for the continuation or establishment of a minimum 5 acre outparcel that must be used as an Equestrian Center for 20 years. If the use is discontinued, the property may only be used for open space. The code requires covenants and restrictions to run with the land, and staff recommends that it be made clear that there is no further yield or development rights associated with the preserved equestrian center parcel. The cluster

subdivision is largely consistent with the Planning Commission policy that “Clustered subdivisions and conservation subdivisions, which limit development to a portion of the entire property while preserving the remainder for open space, should be encouraged.”

It is noted that in this particular application, the yield would be doubled compared to the underlying 80,000 sq. ft. minimum lot size. The conceptual subdivision plan provided with the referral shows lots as small as 22,000 sq. ft., which would require a redesign or a variance.

As noted above, the application proposes a cluster subdivision setting aside five (5) acres for the preserve equestrian center operation. The New York State Department Agriculture and Markets defines “Horse Boarding and Equine Operations,” as including at least seven (7) acres. It is believed that this is considered by the State as the minimum viable size for such a facility. As a result, staff notes that the proposed equestrian center may be ineligible for the benefits and protections that come from programs designed to protect the viability of such operations including Agricultural Assessment and Agricultural District designation.

The Planning Commission Guidebook recommends that residential subdivisions of agricultural property be clustered in a manner that leaves a sufficient size for economical agricultural uses to continue:

“Whenever the shape and area of the parcel is such that a degree of flexibility in the layout of the subdivision is possible, the tract should be laid out as a cluster subdivision. Innovative land use preservation concepts should be utilized to save prime farmlands from development. Development maps that preserve farmland should be designed such that the farm reserve is of sufficient size to allow permissible farm structures and an economically viable agricultural operation.”

In order to protect the economic viability of agricultural uses, the Planning Commission guidebook further notes that the agricultural reserve area should be assessed as an agricultural use without the development rights included. If it is the intent of the Town to support the continued viability of equestrian facilities, it may be beneficial to set aside a minimum of seven acres. Regardless, it would be beneficial if the property were able to be assessed solely as an agricultural use.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities and include:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the above policies:

The application notes that storm water runoff from the proposed project will be retained on-site and recharged via a drainage system. It is noted that because the proposed road may not be dedicated to the Town, it may not be designed to conform to all applicable Town requirements. Submission materials to the Commission do not indicate that NYS DEC SWPPP requirements will be met,

though it is presumed. There is an opportunity to develop the site utilizing best management practices and state of the art storm water treatment methodologies. Special consideration should be given to the handling of horse manure on the scaled-down equestrian center, especially given its location in a groundwater protection area, and its increased proximity to residential uses.

The Planning Commission Guidebook notes that “Where possible, existing vegetation should be preserved. Retaining existing vegetation, especially trees, helps to preserve the character of the site. Where existing vegetation is preserved the area is more enjoyable to look at and to work in and the value of the property is often greater than an area where the vegetation has been destroyed and replaced.”

Regarding the wooded hillside on the rear of the property, best management practice would recommend clustering the subdivision and proposed building footprints in a way to avoid disturbing the slope and vegetation, which would require clearing, regrading, and the construction of retaining walls. The Planning Commission handbook notes that “A cluster design will help to preserve open space, preserve existing vegetation and avoid construction on steep hillsides. At the very least the tract should be granted a lot area modification so that the larger lots are located where there are steep slopes and the smaller lots are located where there are flatter slopes,” The conceptual subdivision plan shows lots of approximate equal size with house footprints and drywells located near the steepest slopes. Staff would recommend that the building lots, envelopes, and footprints be designed to minimize disturbance to the slopes and existing vegetation to the greatest extent possible, such as creating larger lots on the hillside areas and positioning homes off-center on the flattest part of the lot within the permissible building envelope.

The conceptual plan provided with the referral shows a 14.1 foot-wide buffer surrounding the new homes. Staff notes that it may not be necessary to provide a buffer between the proposed new residential lots and the existing 2-acre residential lots, many of which are heavily wooded. This area may be better reconfigured to provide additional buffer to the Parkway, hillside area, or Equestrian Center.

The referral material notes that the action will cause an increase in energy use, but no mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission.

Regarding economic development, equity and sustainability, as well as housing; the proposal would offer new housing, including three affordable workforce housing units in an area of high housing costs. Staff notes that marketing of these units should include individuals and their families with developmental disabilities. Workforce units should have consistent design and consistent access to those of the rest of the development. It is noted that the overlay zoning would yield 100% more dwelling units on lots 67.5% smaller than would otherwise be permitted in the underlying zoning. It is noted that the overlay zoning does not permit a diversity of housing types.

Regarding transportation, the area is in a part of the County that is not conducive to public transit due to the low density of residences and commercial or institutional destinations.

A traffic study was subsequently provided by the Town following the referral. The study found that traffic impacts from the residential subdivision are expected to be minimal, and traffic to the equestrian center is expected to be reduced. On revised plans, parking for 30 vehicles for the 5-acre horse farm facility is shown at the southwest corner of the site. The Town will need to determine whether the proposed loop road needs to be further offset or aligned with Hill and Tree Court.

The loop street shown on the conceptual subdivision plan provides the sole ingress and egress point for the proposed homes, and does not provide any access to the adjoining property which formerly connected to it. Although this is conceptual at this time, there is no emergency access shown in the event the road becomes obstructed. Staff expects that at some point the future, the large adjacent property to the east, or a portion thereof, may also be the subject of an application for redevelopment. Best management practices would recommend that a “tap street” be provided as a paper street that can serve as an emergency access for the subject property, and could potentially be utilized for street connectivity in the event that the adjoining property is redeveloped for residential use in the future.

STAFF RECOMMENDATION

Approval of the change of zone from Residence R-80 District to Special Equestrian Center Overlay District for the project Equestrian Estates of Melville, with the following comments:

Comments:

1. As a result of a clustered development, allowing the permitted density on the equestrian portion of the subject property to be transferred to the residential portion, adequate restrictions should be placed upon this open space/recreational area to insure it will remain as such, and not be subdivided in the future or used for collateral. The remaining property should be assessed as an agricultural use without development potential.
2. The petitioner should be encouraged to provide a “tap street” to the adjoining large property to the east in order to facilitate connectivity and coordination in the potential redevelopment of neighboring properties, as well as serve as a potential emergency ingress and egress for the proposed residences.
3. The Town and the petitioner may consider allocating two additional acres of the property for the horse farm operations in order to protect the future viability of the Equestrian Center and meet the New York State Department Agriculture and Markets definition of “Horse Boarding and Equine Operations,” including at least seven (7) acres. New York AGM § 301 defines “Land used in agricultural production” as not less than seven acres of land used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more; or, not less than seven acres of land used in the preceding two years to support a commercial horse boarding operation or a commercial equine operation with annual gross receipts of ten thousand dollars or more. A five acre equine operation could limit the operation’s eligibility for agricultural protections provided under New York State agricultural districts law. It could also limit the operation’s ability to secure agricultural tax assessments.
4. The Town should require the applicant to make every attempt when marketing workforce units to include individuals and their families with developmental disabilities to promote independence and inclusive communities. Workforce units should have consistent design and consistent access to those of the rest of the development.
5. The Town and the petitioner should explore best practices in the storage and disposal of horse manure to minimize the nitrogen impact to groundwater as well as

nuisance to the surrounding residences.

6. The petitioner should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
7. The petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.
8. All on-site lighting should be 'dark sky' compliant and positioned downward or shielded so as to illuminate only the subject property.
9. The petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to public safety and universal design and incorporate where practical, applicable elements contained therein.

